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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,532	12/19/2003	Kimberly A. Johnson	KPR-W0011	5145
30522	7590	07/07/2005	EXAMINER	
KRATON POLYMERS U.S. LLC WESTHOLLOW TECHNOLOGY CENTER 3333 HIGHWAY 6 SOUTH HOUSTON, TX 77082			PEZZUTO, HELEN LEE	
			ART UNIT	PAPER NUMBER
			1713	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/741,532

Applicant(s)

JOHNSON, KIMBERLY A.

Examiner

Helen L. Pezzuto

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/19/03 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's amendment to claim 1, and the addition of claims 16-19 filed in the response on 4/4/05 is acknowledged. Currently, claims 1-19 are pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US-145) or Graafland et al. (US-944) in view of Bening et al (US-582) for the reasons of record and further in view of the following remarks.

Applicant's amendment and remarks filed on 4/4/05 have been fully considered but are not found to be compelling for at least the following reasons. The newly recited microstructure control agent species are clearly disclosed in Jones (col. 4, lines 50-73) and Graafland et al. (col. 1, lines 38-55) within the scope of the instant process,

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individually or used in mixtures. Jones teaches the instant process steps of forming an initial solution containing a lithium based catalyst, a first alkenyl arene monomer, an inert hydrocarbon solvent, and a polar compound within the scope of the present microstructure control agent, to produce the first living polymer block, follow by introduction of butadiene resulting in A-B-Li living diblock polymer. Subsequently, a second addition of an alkenyl arene monomer, resulting in an A-B-A triblock polymer. Hydrogenation proceeds thereafter using conventional hydrogenation catalyst (col. 4, line 74 to col. 5, line 55). The instant "titration" step is an inherent step of prior art initial process step, as all essential components are present. Applicant's argument with respect to difference in products is irrelevant to the instant process. Similarly, Graafland et al. disclose sequential living polymerization in forming block copolymers, inclusive of styrene and butadiene comonomers within the context of the instant process. The instant microstructure control agent species are taught to be conventional at col. 1, line 38 to col. 2, line 10. It has been well settled that the disclosure of components in a reference may be anticipatory even though the reference

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indicates that the components is not preferred or even that it is unsatisfactory for the intended purpose. Furthermore, patentees' preferred embodiment of heavy ethers still falls within the scope of the instant aliphatic ethers. The teaching of adding the microstructure agent at the "startup" of the polymerization process would necessarily meet the requirement of the instant "titration" step (col. 5, lines 1-22). Finally, the newly recited microstructure control agent species do not further limit the instant process, as they are disclosed by patentees. No patentability is seen in using them in the recited process in the absent of showing of criticality for the new species (i.e. only 8% diethyl ether has been compared with 14% diethyl ether in applicant's disclosure). Accordingly, the examiner's position is maintained.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

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expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Helen L. Pezzuto whose telephone number is (571) 272-1108. The examiner can normally be reached on 8 AM to 4 PM, Monday thru Friday.

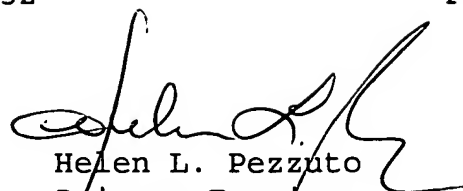
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Helen L. Pezzuto
Primary Examiner
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hlp